

BURLINGTON CITY COUNCIL REGULAR SESSION APRIL 15, 2015

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, April 15, 2015. President of Council William C. Scott called the meeting to order.

ROLL CALL: ☐ Gene L. Merry (out-going Mayor)

Council Members present:

☒ William C. Scott (President of Council)
☒ R. Standley Luke (Stan)

☒ Jane M. Griffith
☒ Forrest T. Rhodes

☒ Lewis Lenard
☒ Jerilyn Curtiss

Superintendents Present: ☒ Kevin Boyce (Parks)

☒ Alan Schneider (Electric) ☒ Doug Mast (Street)

☒ Riley Morgan (Police Adm. Officer)

☒ Danny Hawkins (Water/Wastewater)

Also Present: ☒ Regina Kewley (City Clerk)

☒ Jimmy Hugunin (Zoning & Grants Clerk)

☒ Thomas Robrahn (City Attorney)

☒ Susan Stroh (Administrative Assistant)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Thomas Tschantz, Connie Tschantz, Judy Rhodes

CHANGE OF GOVERNING BODY: Oaths of Elected Officials

President of Council Scott called for the swearing in of the newly elected Mayor, re-elected Council Members, and newly elected Council Member. He stated, "We will start with the new Mayor, Robert S. Luke." City Clerk Kewley administered the Oath of Office to Robert S. Luke, which was met with a round of applause. Mayor Luke took his seat at the council table.

City Clerk Kewley administered the Oath of Office simultaneously to Forrest T. Rhodes, Council Member Ward 1 Position 1; Thomas P. Tschantz (Council Member Ward 2 Position 1); and Lewis Lenard (Council Member Ward 3, Position 1). During a round of applause, Council Members took their seats at the council table.

The Governing Body is now: ☒ Robert S. Luke, Mayor (Stan)

☒ Forrest T. Rhodes (Ward 1 Position 1)

☒ Jerilyn Curtiss (Ward 1 Position 2)

☒ Thomas P. Tschantz (Ward 2 Position 1)

☒ William C. Scott (Ward 2 Position 2 & President of

Council)

☒ Lewis Lenard (Ward 3 Position 1)

☒ Jane M. Griffith (Ward 3 Position 2)

Mayor Luke welcomed the visitors and invited them to stay as long as they wanted.

AGENDA: Council Member Curtiss stated, "I move to approve the agenda as amended." Council Member Lenard, "Second." Motion unanimously carried.

MINUTES: April 1, 2015: Council Member Scott, "I move to accept the Draft Minutes of Council's regular session of April 1, 2015 as revised." Council Member Rhodes, "Second." Motion unanimously carried.

APPOINTMENT: None

PUBLIC COMMENTS: None

ELECTRIC DEPARTMENT: Distribution Updates

General: Superintendent Schneider reported that Electric personnel have been doing work orders and line locates, doing some tree trimming and trying to get ahead of the poison ivy. They read electric meters, and are still fixing some street lights.

Brush Pick-up: Superintendent Schneider said, "We did the spring brush pick-up. The Electric Department picked up a total of thirty loads.

Power Outage: A crew worked one call out since last council due to a lightning strike.

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Superintendent Schneider stated, "Production personnel have been doing required reports."

Generator #6 Repairs: Superintendent Schneider stated, "I am happy to say that Generator #6 repair is done and complete. They performed a five and a half hour maintenance run today to confirm the repair was successful; and everything worked very well." Mayor Luke asked, "Any questions for Alan?" Council Member Lenard asked, "Was that the full repair?" Superintendent Schneider, "Yes, that was the bearing on the back of the motor around the timing chain. The biggest issue we had was two of the big roller bearings in there were bad because the bearings within them were loose. That was the cause of the noise. Of course, they had to tear everything off that end of the motor and it was the last thing they did; but they got it repaired and put back together."

WATER DEPARTMENT: Distribution Update

Water Meter Replacement: Superintendent Hawkins reported, "We are still doing the water meter replacement installations of the larger meters where the meters are two inches or larger."

Council Member Rhodes inquired, "Did you finish the project you were on with the meters?" Superintendent Hawkins answered, "Yes, we had twenty, and they are all installed."

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Water Leaks: Personnel repaired a couple minor water leaks and worked on the brush pick-up. They did normal duties, work orders, line locates, reading meters, and doing rereads as needed,

Sewer Cleaning: Superintendent Hawkins reported that personnel have begun the KDHE required project of cleaning one-quarter of the city's sewer lines annually. He stated, "If anyone finds out their toilet is dry, just flush the toilet. It will take about two months in between doing our other work."

WATER DEPARTMENT: Water Production Update

General: Water Plant personnel are doing monthly reports and regular plant maintenance.

Drought Emergency Update: Superintendent Hawkins reported, "The Water Plant is still running really well. We are still seeing water usage of around 500,000 gallons a day, which is nothing out of the ordinary. Good chances of rain are predicted. We are still in the water warning, and I still have not heard anything from the Kansas Water Office. Hopefully, the rains will keep coming and we will get out of this."

STREET DEPARTMENT: Update

Ditch Cleaning: Street personnel have been cleaning ditches, and cleaned some culverts while doing that.

Salt Spreader Stands: Personnel completed building the salt spreader stands, which was a winter project.

Police Department - Ditch: Superintendent Mast reported, "Street personnel worked on the ditch between Resellers Edge and the Police Department so it would drain out to the ditch to the north. While we were there, we put in more rock parking areas they had been asking for."

Pothole Patching: Personnel also patched potholes around town.

Spring Trash Clean-up: The Spring Trash Clean-up was completed.

STREET DEPARTMENT: 2015 Curb & Gutter Project (Yuba between 6th & 7th) - Bids

Superintendent Mast presented the bids for the 2015 Curb & Gutter Project; and said, "We opened the bids today at 10 o'clock; and only the one bid came in. It came from Burlington Construction, and was for \$65,623.20. I recommend it be accepted as a bona fide bid."

Council Member Curtiss stated, "I move to accept the bid as bona fide." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.

*Council Member Curtiss stated, "I move to accept MKEC Engineering's recommendation to award the 2015 Curb & Gutter Project to Burlington Construction as presented, not to exceed \$65,623.20." Council Member Griffith, "I'll second." Mayor Luke called for discussion. Superintendent Mast suggested, "You might want to change that from 'not to exceed' because in that project, we will have some numbers changed. Everything is based off the per line item bid. I don't know how you want to deal with that because I know they've got one mistake that I found. There is supposed to be 55 feet of concrete flume, and they've only got 30 feet on the plan sheet; so that will go up, but we will have a change order at the end of the project to reflect all changes that come up. We measure everything as we go, and we pay; so I don't know how we would do that to accept the bid as not to exceed." Council Member Griffith asked, "Is that like construction - when we have to pay extra for a change order?" Superintendent Mast explained, "Some change orders are additions and some are deductions. We won't know until the project is complete, but this is what they bid; so maybe that's the way to do it - I don't know." Council Member Lenard asked, "You have unit cost on everything though, right?" Superintendent Mast, "Yes." Council Member Lenard suggested, "We could accept it and then do the change order later." City Clerk Kewley commented, "The change order will clean that up." It was decided the motion did not need changed. **Mayor Luke called for a vote. Motion unanimously carried.***

POLICE DEPARTMENT: Update

General: The Police Department has been handling routine calls.

Training: Police Administrative Officer Morgan reported, "We have an officer headed out to Kansas Law Enforcement Training Center (KLETC) this evening for training the rest of the week. As a certified Taser Instructor, he will be able to present not only the initial certification, but also those re-certifications that are required."

Police Department Inside Wall Mural: Administrative Officer Morgan passed around a picture of the mural that is now on an inside wall of the new Police Department. He said, "Jim Stukey completed a mural this week for the Police Department. It was funded through donations from members of the community and employees of the Police Department chipped in, as well."

Drainage Improvements at Police Department: Administrative Officer Morgan said the Street Department's gravel and drainage work made a drastic improvement for the Police Department. Some off-street parking was created between the sidewalk and Alleghany Street, which come Fair time and other events will be beneficial to help keep people off the grass.

Police Records Clerk - Vacancy update: Administrative Officer Morgan reported a dozen applications have been received so far for the Police Records Clerk position, and we are still getting inquiries and applications. He stated, "We have a lot of good applicants to look at in the near future."

POLICE DEPARTMENT: Nuisance Property

Nuisance Structures/Demolitions (update): Extensions to abate the nuisances will expire on the 1st of May for properties of Rice, 216 N. 3rd; Darnell, 928 Des Moines; and Mann, 606 Hudson.

Administrative Officer Morgan reported that as far as the Hess property (718 S. 5th Street) and the Darnell Property (928 Des Moines), their last extension will expire on May 1st and an update will be presented at the May 6th meeting of Council, so that Council may take action at that time.

He continued, "The other properties that have been granted an extension to that time are making progress and will be completed by then." (Mann property at 606 Hudson and Rice property at 216 N. 3rd)

Council Member Lenard asked, "Are you going to have any more communication with those two between now and then?" Administrative Officer Morgan replied, "We'll touch base with them again. The Officer that handles that is trying to keep up with them."

POLICE DEPARTMENT: Police Chief - Recommendation to Hire

Mayor Luke called for a report from the Police Committee. Council Member Scott, Chairman of the Police Committee, said they had interviewed three candidates for the position. *Council Member Scott stated, "I move to accept the recommendation of the Police Committee to extend an offer of employment as Chief of Police to William Smith, at the annual salary of \$63,000 and a start date of May 6, 2015." Council Member Lenard, "I second the motion." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.*

PARKS DEPARTMENT: Update

General: Parks personnel have been cleaning public restrooms and buildings. Since we got two and a half inches of rain they have been busy mowing and spraying weeds. Parks personnel helped with the City-wide Spring Cleanup.

Fencing - Parks Department and Dog Park: Superintendent Boyce said, "I have been meeting with the fence contractors on the replacement at the Parks Department and fencing for the Dog Park on S. 2nd Street. I have three quotes so far, and have two more coming."

Turning Water On : Superintendent Boyce reported, "All the water that was turned off over the winter has been turned back on."

Arbor Day Celebration: Superintendent Boyce has been working with Zoning Clerk Hugunin to prepare for the Arbor Day Celebration scheduled for 5:30 p.m., Thursday, April 23rd at Oak Park.

Parks Department - Landscaping: Superintendent Boyce stated, "In front of the Parks Department, as I'm sure almost everybody has probably noticed, it is dirt out front where our flagpoles are. It was full of Bermuda grass and our flower bed in there was taken over by the Bermuda. We had sprayed it and killed it, and I'm trying to keep it sprayed so hopefully this coming fall we can seed it and be done with the Bermuda grass."

Concrete Pots and Flower Planting: Superintendent Boyce, "Flower planting in the concrete pots will be on May 4th starting at 5 p.m. The Burlington Jaynes volunteered to help. They've been helping the last three or four years, and we appreciate that. You are all welcome to help."

Police Department - seeding: Superintendent Boyce said, "I was asked about seeding grass at the Police Department. Once it gets dried up, we will go in, get some dirt work done, and then decide whether to seed it now or wait until fall."

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2015-08	\$296,173.35
b.	Payroll Ordinance	2015-08	\$ 73,240.93
	TOTAL		\$369,414.28

CLAIMS 2015-08: Council Member Lenard, "I move City of Burlington pay Claims Ordinance 2015-08 in the amount of \$296,173.35 for payment of city bills." Council Member Griffith, "Second." Mayor Luke called for discussion. City Clerk Kewley reported, "Larger expenditures for tonight are Kansas Power Pool for \$173,455.23; Blue Cross/Blue Shield for our monthly premium is \$21,483.10; and Lewis Oil for \$3,475.00." Hearing no further discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Claims Ordinance 2015-08 approved by vote of 6:0.

PAYROLL 2015-08: Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2015-08 in the amount of \$73,240.93." Council Member Lenard, "Second." Hearing no discussion, Mayor Luke instructed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Luke declared Payroll Ordinance 2015-08 approved by a vote of 6:0.

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin has been working on several permits, updating Facebook and the webpage. He has been updating the permit log and preparing permits to be taken to the County Appraiser.

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Carport behind City Hall: On March 4th, Council approved the purchase of a 20' by 26' carport for behind City Hall from Coast to Coast Carport, Incorporated (Jim and Donna Luney in LeRoy) for \$1,535.00. Tonight, Zoning Clerk Hugunin reported, "I'm sure everybody has noticed the carport that was delivered and installed is a little too long. Donna Luney has ordered a replacement which should be here in two to three weeks, and is trying to sell the one that was delivered and installed. Several people are interested in buying it."

Planning Commission Update - Zoning Case Z-2015-001, Re-zone 616 S. 7th Street: Zoning Clerk Hugunin reported Burlington Planning Commission was originally scheduled to hear Zoning Case Z-2015-001 in February. This has been rescheduled for 7 p.m. Thursday, May 14th at City Hall to hear Coffey County Housing Authority's request to rezone the property across from the old Rainbolt Bait Shop on South 7th Street. It's agricultural and they want to change it to Residential-2."

Police Department - Survey: Zoning Clerk Hugunin informed Council that since the dirtwork was done at the Police Department, he will have the surveyor come back to set the survey pins on the east side of the property. It was not a problem on the north side.

OTHER BUSINESS: Schedule the annual Business Appreciation Picnic and Employee Appreciation Picnic

City Clerk Kewley stated, "This year we have scheduled the Business Appreciation on June 5th, a Friday from 11 a.m. to 1 p.m. in Kelley Park. We will get the numbers for New Strawn from Mark (Mayor Petterson). We also schedule the Employee Appreciation Picnic for the following Monday, June 8 also from 11 a.m. to 1 p.m. at Kelley Park." ***Council Member Curtiss stated, "I move to hold the 2015 Business Appreciation Picnic on Friday, June 5th and the Employee Picnic on Monday, June 8th, with both picnics to be at Kelley Park from 11 a.m. to 1 p.m." Council Member Griffith, "I'll second." Hearing no discussion, Mayor Luke called for a vote. Motion unanimously carried.***

OTHER BUSINESS: Kansas Municipal Utilities Annual Conference - Appoint Voting Delegate

The KMU Annual Business Meeting will be held on May 8, 2015 in conjunction with the KMU Annual Conference. Our appointed Voting Delegate is Alan Schneider (Electric Superintendent), and we have chosen in the past to have no alternate delegate. Since there are no changes, no notification need be sent to KMU prior to the meeting.

PERMITS: Permits issued by Zoning Clerk Hugunin:

2015-005 Mayetta Taylor, 503 S. 15th - Garage
2015-007 Warren Befort, 1535 Alleghany - Addition
2015-009 Abendroth Builders, 1005 Cumberland - House
2015-013 Joan Steinert, 506 Garretson - Fence
2015-014 Henry Clay, 1014 Alleghany - Shed
2015-015 Alan Schneider, 1071 Lynx Lane - Fence

RESOLUTION 2015-02, Authorizing Mohawk Street Improvements between 14th Street and 15th Street

Mayor Luke, referring to the draft Resolution 2015-02, read the description, and called for a motion. ***Council Member Lenard made the motion to adopt Resolution 2015-02, A Resolution of the Governing Body of the City of Burlington, Coffey County, Kansas, authorizing and directing street improvements of Mohawk Street located between the intersections of 14th Street and 15th Street, all in the City of Burlington, Kansas, all in accordance with findings made by the Governing Body pursuant to K.S.A. 12-6a01, Et Seq., and any amendments thereto, and providing for the publication of this resolution. Council Member Curtiss, "Second." Mayor Luke called for discussion.*** Council Member Lenard said, "I have one question because I have been asked if we did this - will any of the ditches get cut?" Superintendent Mast explained, "If they need to be, we will; but usually we don't have to. We start by rebuilding the road, get that done, and we're going to try to put that into this year's rebuilding process - if we can; and then let it sit over the winter. Then maybe we will chip seal next year." Council Member Lenard, "It's a base issue?" Superintendent Mast, "Yes. We will see how far we get this year in our rebuilding process, but we've got it penciled in and it will be toward the end of the line when we're rebuilding stuff. Normally, we budget for it for the next year to rebuild, and then we would pave it the following year. So, it usually takes about two years to get there. But if they do need cleaned out, we can do that while we're there. I'm assuming they don't want it; a lot of people don't." Council Member Lenard, "It was just a question. I said I'd find out." Superintendent Mast stated, "If somebody has a request of something they want done, let me know, please." ***Hearing no further discussion, Mayor Luke called for a vote. Motion unanimously carried.***

LEGAL DEPARTMENT: Water Purchase Agreement between LeRoy, RWD#2, and City of Burlington

Attorney Robrahn said, "I would like to give you an update on the triangular situation we're involved in with Rural Water District #2, City of LeRoy, and ourselves. As you will recall, I sent a letter to City of LeRoy several months ago, and we did get a response back. There's an agreement from Bryan Joy he drafted for the City of LeRoy as City Attorney. It is for us to look at. I reviewed it. It is just one page, and it looks proper to me. I think it's what we want, our interests are protected. I gave it to Danny (Water/Wastewater Superintendent) to start reviewing this evening; and I will get something emailed to Gina (City Clerk) on that to look at."

Attorney Robrahn continued, "We also have a very brief agreement from Rural Water District #2. Basically, it's just saying that we're allowing the onetime event to kind of go against the contract we worked so hard on last year." (*Contract for Water Supply between Burlington and RWD#2 authorized by Burlington Ordinance 829 on June 4, 2014.*) Attorney Robrahn summarized, "As of today, I think everything is kind of the way we want it; and

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it protects us; so I think we're in good shape. I think we're going to try to gear to have this looked at the second council meeting in May." Mayor Luke stated, "The key thing is we still keep the water rights." Attorney Robrahn replied, "Oh yes, that's the important thing."

Superintendent Hawkins stated, "I totally avoided any verbiage about water rights. That's what we wanted was to stay away from the water rights." Attorney Robrahn, "Yes. They're ratifying reaffirming the original contract with the water rights; so as long as that's not messed up, we're good."

CITY CLERK’S OFFICE: Update

General: City Hall Staff have been preparing for meter reading for utility billing. They have also been handling calls and inquiries, work orders, and preparing meeting minutes, reports, vouchers, and payroll.

LEPC: City Clerk Kewley and Police Administrative Officer Morgan attended the Local Emergency Planning Commission meeting at the Courthouse on Wednesday, April 8.

Financials: City Clerk Kewley handed out the first financials for 2015, and offered to answer any questions.

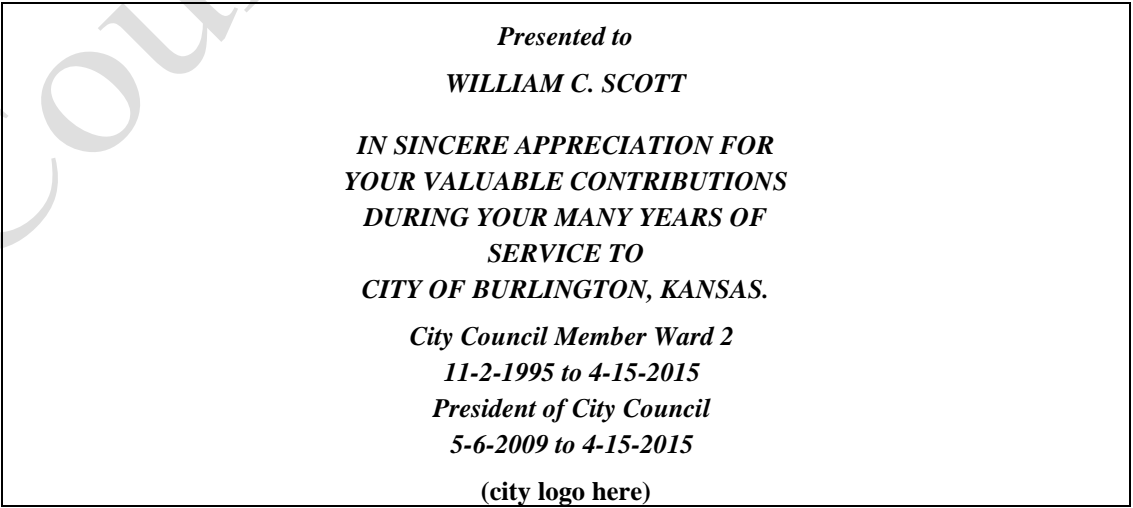
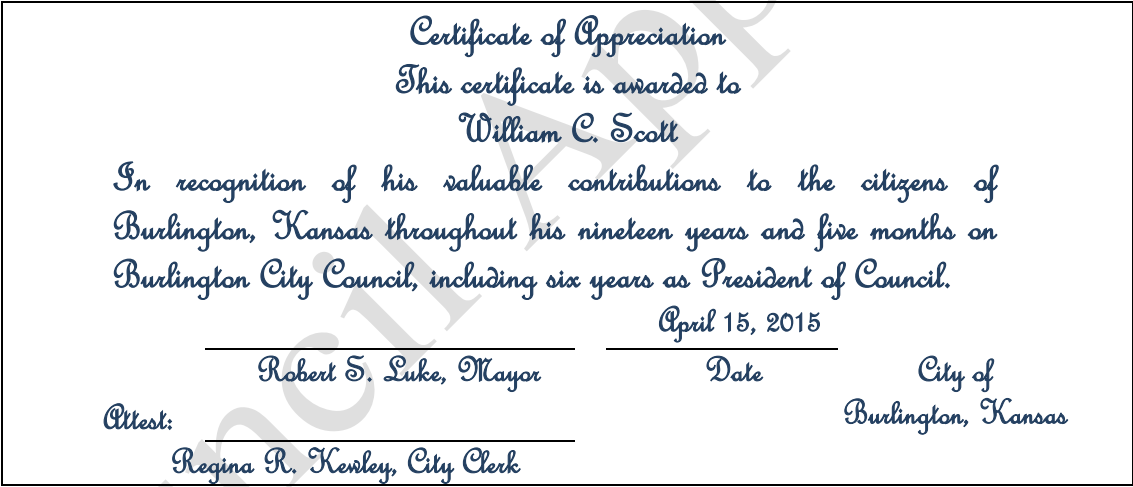
Budget 2016: City Clerk Kewley stated, "Next month is May already, and I will start working with the Superintendents on the line items in preparation of the 2016 Budget."

Audit of 2014: Mize Houser & Company will be here May 14th and 15th to do our 2014 Audit.

REPORT BY CITY OFFICER: Resignation - Council Member William C. Scott, Ward 2 Position 2

Accept Resignation: Mayor Luke referred to a letter from Bill Scott saying he is resigning due to moving to another location. Mayor Luke requested a motion to accept the resignation. *Council Member Griffith made the motion to accept William C. Scott's resignation as Council Member Ward 2, Position 2, effective immediately. Council Member Curtiss, "Second it."* Hearing no discussion, Mayor Luke called for a vote. *Motion unanimously carried.*

Appreciation: Mayor Luke stated, "Please come forward, Bill. We want to make sure when you pack up, you've got more stuff to pack. " He read and presented the following framed Certificate of Appreciation and plaque with the Burlington logo at the bottom.



As Mayor Luke presented Bill with a Marci Penner Kansas Sampler Foundation Guidebook 8 Wonders of Kansas!, he said, "For Kay, we have a cook book." City Clerk Kewley said, "Bill, the flowers are for Kay, too."

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Bill stated, "Thank you very much. It has been an honor. Time flew by. I think back, and we now have a Water Plant. People don't appreciate it, but I think one of the main things we've done is to take care of the sewer system. It's 12,000,000 nobody sees, but it affects everybody. We got a Police Building, which was much needed. The other thing I think about is how we've set up the infrastructure now, with using sales tax paying for the sewer and when that's done, it goes into infrastructure. So, I feel really good; and as I said in the letter, I think the staff we have here is outstanding - top to bottom. People in the office, if you come in there, they're friendly with the guy out here in the street. They do a great job. You are in good hands; and I wish you well. I'll miss you all, but it's time to change. Thanks again, and good luck to everybody." A round of applause.

REPORT BY CITY OFFICER: Mayor's Appointments will be May 6th

Mayor Luke asked, "Is there anything else anyone wants to bring before the Council? If not next meeting is appointments. I will have those out as soon as I can for you to review. Some of you I need to talk with on what areas you want to be involved in and some ideas from them. We will move forward. I guarantee you it is a continuous uphill; and we're going in the right direction and have been going in the right direction."

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects City Code Re-codification Service/Allied Waste Agreement Renewal Mayor’s Volunteer Program Vacancy - Police Records Clerk President of Council Nomination/Vote Business Appreciation & Employee Appreciation (Picnics)	GAAP – Infrastructure Capitalization Actuaries – GASB-45 Financial Program Software (CIC) Joint Remodel Project with Chamber for 305A Neosho MT Wireless - Fiberoptics to City Buildings Mayor's 2015 Appointments, inc. a Council Membe Prepare Budget for 2016r
ELECTRIC DEPARTMENT: GIS system Emissions Standards Compliance/EPA Fill Vacancies (Leadman)	Automatic Meter Infrastructure for Electric (AMI) Natural Gas - 2nd Supplier Industrial Park Substation - DC Power Supply
PARKS DEPARTMENT: Fair Board’s new Building WildBlue BBQ and Taste of Fall Festival 2015 Spring Demolition Derby 2015 Dog Park - Planning / Fence / Etc. Kelley Park - RV Parking: Water and Electric updates	RV Parking Pay Stations for Kelley Park and Drake Park Kelley Hall - space vacated by PD Chain Link Fence for Parks Department Walking Trail - City Dam/Drake Park to Kelley Park
LEGAL DEPARTMENT: Municipal Court Natural Gas - Franchise Agreement	Property Demolition Deeds/Agreements/etc. RWD#2/LeRoy/Burlington - Water Purchase Agreement, etc.
PLANNING AND ZONING Quarterly Construction Valuation Report Comprehensive Development Plan – Update by end 2015 Industrial Park Lots Planning Commission- Rezone 616 S. 6th (Z-2015-001)	Work w/PD Admn. Officer on Nuisance Structure regulations Grant for City Dam/Drake Park to Kelley Park Walking Trail Carport for behind City Hall Have Police Department property survey done
POLICE DEPARTMENT Nuisance Updates Police Building - New Sign Animal Shelter - Improvements/Floor Mat	Personnel – Training Updates Nuisance Structures Demolition - Update Unclaimed and Abandoned Property - Disposition
STREET DEPARTMENT: Heather Street - Concrete Panels Sidewalk Replacement Repairs on City Rights-of-Way Equipment - Purchase Small Milling Machine for Sidewalks, etc. Street Sweeper in 2016	Rebuild/Repair Kennedy Street and 14 th Street Pavement Management System/Asset Management System 2015 Curb & Gutter Project (Yuba between 6th & 7th) Mohawk Street Improvements between 14th & 15th)
WATER & WASTEWATER DEPARTMENT: Rural Water District #3 - Valve, Meter, Vault: Neosho Riverbank Stabilization Waterline Replacement Project Water Emergency - Warning (Update)	Water Tower Repair Southwest Sewer Project SCADA System John Redmond Reservoir – Dredging Fire Hydrant Static Testing Water Plant Improvements–Efficiency Clean Sewers Pump Repairs in 2016 (Clearwell/River Intake)

Mayor Luke declared the meeting adjourned.

Approved by the Governing Body and signed by Regina R. Kewley, City Clerk